

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JESSE ANDERSON,

Plaintiff,

v.

NEVADA DEPARTMENT OF PUBLIC  
SAFETY OFFICER MAR CHAMBERS, *et*  
*al.*,

Defendant.

Case No. 3:16-cv-00460-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 65) ("R&R") relating to plaintiff's application to proceed *in forma pauperis* (ECF No. 1) and *pro se* complaint (ECF No. 1-1). The R&R recommends granting Plaintiff's IFP application. The R&R recommends that Plaintiff be allowed to proceed on the following claims in his complaint. a) the due process claim against Marc Chambers ("Chambers") in Count I; (b) the Fourth Amendment excessive force claim against Chambers in Count II; (c) the due process claim against chambers in Count III; and (d) the due process claim against the Doe defendant lieutenant in Count V,<sup>1</sup> and will have leave to substitute in the name of the Doe defendant once he is identified. The R&R further recommends dismissing the retaliation claim in Count I and Count IV with leave to amend within thirty (30) days. Plaintiff had until September 2, 2016, to object to the Recommendation. No objection to the Recommendation has been

---

<sup>1</sup>There appears to be a typographical error in the R&R in reference to Count IV, when it should have referenced Count V on page 6, line 23.

1 filed. Instead, Plaintiff filed a Notice to the Court ("Notice") (ECF No. 6) wherein he  
2 indicates that he does not wish to amend his complaint and does not need the thirty (30)  
3 days.

4 The Court agrees with the R&R. In light of Plaintiff's Notice, the Court adopts the  
5 R&R in full.

6 It is therefore ordered, adjudged and decreed that the Report and  
7 Recommendation of Magistrate Judge William G. Cobb (ECF No. 5) is accepted and  
8 adopted.


9 It is ordered that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is  
10 granted. However, pursuant to 28 U.S.C. § 1915(b), he is still required to pay  
11 the full amount of the filing fee over time. Within thirty (30) days of the date of this order,  
12 Plaintiff will be required to pay an initial partial filing fee of \$3.70. Thereafter, Plaintiff will be  
13 required to make monthly payments of twenty percent of the preceding month's income  
14 credited to his account to be forwarded by the agency having custody over Plaintiff to the  
15 Clerk of this Court each time the amount in Plaintiff's account exceeds \$10 until the filing fee  
16 is paid.

17 It is further ordered that the Clerk detach and file the complaint (ECF No. 1-1).

18 It is further ordered that the complaint will proceed on the following claims: (a) the  
19 due process claim against Chambers in Count I; (b) the Fourth Amended excessive  
20 force claim against Chambers in Count II; (c) the due process claim against Chambers in  
21 Count III; and (d) the due process claim against the Doe defendant lieutenant in Count  
22 V. Plaintiff will have leave to substitute in the name of the Doe defendant once he is  
23 identified.

24 It is further ordered that the retaliation claim in Count I is dismissed and Count IV  
25 is dismissed.

26 DATED THIS 26<sup>th</sup> day of October 2016.

27   
28 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE